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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,284	11/25/2003	Jose E. Korneluk	CE11781JSW	9078

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
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EXAMINER	
DEAN, RAYMOND S	

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/722,284	KORNELUK, JOSE E.	
	Examiner	Art Unit	
	Raymond S. Dean	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *July 19, 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 November 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 5 – 7, 11 – 12, 16, and 20 have been considered but are moot in view of the new ground(s) of rejection. Spayth (4,013,958) teaches a non-audible push-to-talk indicator (See Column 11 lines 7 – 8, lines 21 – 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

Regarding the Motivation for Haung: The modification of the PTT button of Lampe in view of Childress with the backlight circuitry of Haung will allow a user to identify said PTT button in the dark or at night when using the transceiver in the dark or at night as taught by Haung. The motivation comes from the Haung reference.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 5 – 7, 11 – 12, 16, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) and in further view of Spayth (4,013,958).

Regarding Claim 1, Lampe teaches a method on a wireless device for providing a push-to-talk indicator, comprising: initiating, by the wireless device, a connection setup procedure with a wireless network (Column 6 lines 48 – 50); receiving a message from the wireless network indicating establishment of a connection (Column 6 lines 51 – 54, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); and second indicating, via the push-to-talk indicator, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the push-to-talk indicator is the alert tone).

Lampe does not teach first indicating, via a non-audible push-to-talk indicator, that a user of the wireless device may not provide audio for transmission.

Childress teaches first indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push-to-talk indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

Regarding Claim 5, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 1. Lampe further teaches the sub-step of sending a call request to the wireless network (Column 6 lines 48 – 50).

Regarding Claim 6, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 1. Lampe further teaches detecting the user pushing the push-to-talk button; and receiving audio from the user for transmission (Column 7 lines 28 – 39).

Regarding Claim 7, Lampe teaches a method on a wireless device for providing a push-to-talk indicator, comprising: first indicating, via a push-to-talk indicator, that a user of the wireless device may provide audio for transmission in the absence of an established call (Column 6 lines 48 – 57); receiving a request to join a connection setup procedure with a wireless network (Column 6 lines 48 – 50); receiving a message from the wireless network indicating establishment of a connection (Column 6 lines 51 – 54, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); receiving audio from the wireless

network originating from another user on another wireless device (Column 6 lines 48 – 57, the user can be any user); detecting the passage of a predefined period of time commencing upon completion of receiving audio from the wireless network (Figure 2, Column 5 lines 58 – 66, the release window is the predefined time); and third indicating, via the push-to-talk indicator, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the push-to-talk indicator is the alert tone, when the user presses the PTT a plurality of times there will be plurality of alerts indicating to the user that the wireless device may provide audio for transmission).

Lampe does not teach a non-audible push-to-talk indicator and second indicating, via a non-audible push-to-talk indicator, that a user of the wireless device may not provide audio for transmission in response to receiving the message indicating establishment of the connection.

Childress teaches second indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission in response to receiving the message indicating establishment of the connection (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push-to-talk indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

Regarding Claim 11, Lampe teaches a push-to-talk wireless device including a push-to-talk indicator, comprising: a processor for initiating a connection setup procedure with a wireless network (Column 4 lines 17 – 19, Column 7 lines 28 – 39); a receiver for receiving a message from the wireless network indicating establishment of a connection (Column 7 lines 35 – 39, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); a push-to-talk button for pushing when the user desires to provide audio for transmission (Column 7 lines 33 – 39); and a push-to-talk indicator for indicating that the user of the wireless device may provide audio for transmission after the connection has been established and the message is received from the wireless network (Column 7 lines 33 – 39, the alert tone is the push-to-talk indicator).

Lampe does not teach indicating that the user of the wireless device may not provide audio for transmission.

Childress teaches indicating that the user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the indicator).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

Regarding Claim 12, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 11. Lampe further teaches a transmitter for sending a call request to the wireless network when initiating a connection setup procedure with the wireless network (Column 6 lines 48 – 50).

Regarding Claim 16, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 11. Lampe further teaches a detector for detecting the user pushing the push-to-talk button and a microphone for receiving audio from the user for transmission (Column 7 lines 28 – 39).

Regarding Claim 20, Lampe teaches a computer readable medium on a wireless device including computer instructions for providing a push-to-talk indicator (Figure 1,

Column 7 lines 33 – 39, the microprocessor will run via computer instructions, said instructions are stored in memory device such as a RAM (30)), the computer instructions including instructions for: initiating, by the wireless device, a connection setup procedure with a wireless network (Column 6 lines 48 – 50); receiving a message from the wireless network indicating establishment of a connection (Column 6 lines 51 – 54, the channel access signaling that provides allocation of the frequency channel and the time slot is the message received from the network); and indicating, via the push-to-talk indicator, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the indicator is the alert tone).

Lampe does not teach indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission.

Childress teaches indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the indicator).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the push-to-talk indicator taught by Childress in the transceiver of Lampe for the purpose of enabling said transceiver to know when communication channels are available for transmission thus preventing said transceiver from transmitting when there are no idle communication channels as taught by Childress.

Lampe in view of Childress does not teach a non-audible push-to-talk indicator.

Spayth teaches a non-audible push-to-talk indicator (Column 11 lines 7 – 8, lines 21 – 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the non-audible push-to-talk indicator of Spayth as an alternative means for indicating to the user in the Lampe in view of Childress system that he/she can/cannot transmit on a channel.

4. Claims 2, 8, 13 – 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958), as applied to Claims 1,7, 11, and 20 above, and further in view of Huang (US 2004/0259586).

Regarding Claims 2, 13, and 21, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claims 1, 7, 11, and 20. Childress further teaches indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button.

Huang teaches a backlit button (Section 0021).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying

said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 8, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 7. Lampe further teaches indicating, via a push-to-talk indicator, whether the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the push-to-talk indicator is the alert tone).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button.

Huang teaches a backlit button (Section 0021).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 14, Lampe in view of Childress in view of Spayth and in further view of Huang teaches all of the claimed limitations recited in Claim 13. Huang further teaches a backlit button that emits a red colored light (Section 0021, Section 0027 lines 1 – 2).

Regarding Claim 15, Lampe in view of Childress in view of Spayth and in further view of Huang teaches all of the claimed limitations recited in Claim 14. Lampe in view of Childress and in further view of Huang teaches all of the claimed limitations recited in

Claim 14. Lampe further teaches indicating that user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator). Huang further teaches a backlit button that emits a green colored light (Section 0021, Section 0027 lines 1 – 2).

5. Claims 3 – 4, 9, and 22 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958), as applied to Claims 1, 7, and 20 above, and further in view of Haung (US 2004/0259586).

Regarding Claims 3, 9, and 22, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claims 1, 7, and 20. Childress further teaches indicating, via a/the push-to-talk indicator, that a/the user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button that is lit in red color.

Haung teaches a backlit button that is lit in red color (Section 0021, Section 0027 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying

said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 4, Lampe in view of Childress in view of Spayth and in further view of Huang teaches all of the claimed limitations recited in Claim 3. Lampe further teaches indicating, via a push-to-talk indicator, that user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator). Huang further teaches a backlit button that is lit in green color (Section 0021, Section 0027).

Regarding Claim 23, Lampe in view of Childress in view of Spayth and in further view of Huang teaches all of the claimed limitations recited in Claim 22. Lampe further teaches indicating, via the push-to-talk indicator, that user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator). Huang further teaches a backlit button that is lit in a green color (Section 0021, Section 0027 lines 1 – 2).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958) as applied to Claim 7 above, and further in view of Haung (US 2004/0259586).

Regarding Claim 10, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 7. Lampe further teaches indicating, via the push-to-talk indicator, that the user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk backlit button that is lit in green color.

Haung teaches a backlit button that is lit in green color (Section 0021, Section 0027 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

7. Claims 17 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lampe (5,568,511) in view of Childress et al. (4,658,435) in view of Spayth (4,013,958) as applied to Claim 11 above, and further in view of Huang (US 2004/0259586).

Regarding Claim 17, Lampe in view of Childress and in further view of Spayth teaches all of the claimed limitations recited in Claim 11. Lampe further teaches a push-to-talk indicator (Column 6 lines 54 – 57, the alert tone is the push-to-talk indicator).

Lampe in view of Childress and in further view of Spayth does not teach a push-to-talk indicator comprising any one of: a graphic; a text message; a light emitting device; and a button.

Huang teaches an indicator comprising a button (Section 0021, Section 0027 lines 1 – 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the PTT button of Lampe in view of Childress and in further view of Spayth with the backlight circuitry of Haung for the purpose of identifying said button, when using the transceiver in the dark or at night, more easily as taught by Huang.

Regarding Claim 18, Lampe in view of Childress in view of Spayth and in further view of Haung teaches all of the claimed limitations recited in Claim 17. Childress further teaches indicating, via a push-to-talk indicator, that a user of the wireless device may not provide audio for transmission (Column 12 lines 19 – 33, the audible beep is the push-to-talk indicator). Huang further teaches an indicator emitting a red colored light (Section 0021, Section 0027 lines 1 – 2).

Regarding Claim 19, Lampe in view of Childress in view of Spayth and in further view of Haung teaches all of the claimed limitations recited in Claim 17. Lampe further teaches indicating that user of the wireless device may provide audio for transmission (Column 6 lines 54 – 57, the alert tone is the indicator). Huang further teaches an indicator emitting a green colored light (Section 0021, Section 0027 lines 1 – 2).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Raymond S. Dean
September 13, 2005

EDAN ORGAD
PATENT EXAMINER/TELECOMM.
9/6/05